

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2520 - HB 2708

June 11, 2020

SUMMARY OF ORIGINAL BILL: Establishes the Tennessee Pregnant Workers Fairness Act (Act). This Act sets a presumption that any reasonable accommodations provided for employees with medical conditions be extended to employees who are pregnant. Establishes a definition for “reasonable accommodation” and defines what actions would fall under an unlawful employment practice with regards to actions against pregnant employees. Specifies that this Act only applies to employers who have 15 or more employees.

Authorizes any person, against whom a violation of this Act has been committed, to see recourse by bringing a civil action in the appropriate court. Authorizes a court to award back pay, compensatory damages, prejudgment interest, reasonable attorney’s fees, and any legal and equitable relief to effectuate to the purposes of the Act.

Requires the Commissioner of the Department of Labor and Workforce Development (DLWD) to enforce the provisions of this legislation.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (015343, 016418, 018577): Amendment 015343 deletes and replaces all language of the original bill without making any substantive changes to the legislation.

Amendment 016418 deletes and replaces language in the bill as amended by amendment 015343, without making any substantive changes.

Amendment 018577 adds, deletes and replaces language of the bill as amended by amendments 015343 and 018474, to authorize the Commissioner of the DLWD to suspend the one-week waiting period imposed by Tenn. Code Ann. § 50-7-302(a)(5), in accordance with and as enacted by the federal Families First Coronavirus Response Act (FFCRA). In addition, the Commissioner may authorize a non-charge to the account of a contributory employer that is in the claimant’s

base period for any unemployment benefits paid to a claimant as a result of the COVID-19 pandemic in accordance with the FFCRA. Repeals January 1, 2021.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Based on information provided by the DLWD, this legislation will have no significant impact on the Department's current programs or policies.
- It is assumed that the provisions of this Act largely correlate with the current policies and programs of all state agencies and will have no significant impact on state government.
- Any impact upon local government is estimated to be not significant.
- There will not be a sufficient change in the number of prosecutions for state or local government to experience any significant change in revenue or expenditures.
- Amendment 018577 will aid in keeping constant the current level of federal funding received by the state through the FFCRA and is not anticipated to result in any significant impact to current funding levels.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jdb